


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
05 JUL 20 PM 4: 11

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 05-20142 B

CALVIN MCNARY,

Defendant.

ORDER DENYING DEFENDANT'S PRO SE "MOTION TO DISMISS
FOR LACK OF PROSECUTION"

Before the Court is the July 20, 2005 pro se motion of the Defendant, Calvin McNary, "to dismiss for lack of prosecution." Under the local rules of this district,

[a] party represented by counsel who has appeared in a case may not act on his or her own behalf unless that party's attorney has obtained leave of the court to withdraw as counsel of record, provided that the court may, in its discretion, hear a party in open court, notwithstanding the fact that the party is currently represented by counsel of record.

LR83.1(d), Local Rules of the U.S. Dist. Ct. for the W. Dist. of Tenn. (the "Local Rule"). The Defendant, who is represented by counsel, has filed at least one previous pro se motion, which was denied as violative of the Local Rule. The instant motion must suffer the same fate. The Defendant is admonished that further pro se filings while he is represented will be stricken from the Court's docket. The motion is DENIED.

IT IS SO ORDERED this 20th day of July, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 52 in case 2:05-CR-20142 was distributed by fax, mail, or direct printing on July 21, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT